

\*\*E-filed 7/2/08\*\*

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Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**(San Jose)**

**SALLY HERRIOT,**

Plaintiff,

— v. —

**CHANNING HOUSE,**

Defendant.

Case No. C06-06323 JF

**STIPULATION AND [PROPOSED]  
ORDER STAYING THE COURT'S  
RULING ON CROSS-MOTIONS  
FOR SUMMARY JUDGMENT**

Trial Date: **September 26, 2008**

Time: **1:30 p.m.**

Courtroom: **3**

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**STIPULATION AND [PROPOSED] ORDER RE STAY ON RULING ON CROSS-MOTIONS FOR SUMMARY  
JUDGMENT**

1  
2 WHEREAS the parties came before the Court on cross-motions for summary judgment  
3 on February 8, 2008, and by civil minute order of that date, the Court provided that the motions  
4 were to be taken under submission "after receipt of an independent medical evaluation" of Sally  
5 Herriot, and continued the jury trial in this matter to June 6, 2008, with a pretrial conference set  
6 for May 30, 2008; and

7 WHEREAS, the independent medical examination (by Ami Laws, M.D., Stanford  
8 University School of Medicine Concierge, Diabetes & Executive Care) was forwarded to the  
9 Court via express mail on May 29, 2008; and

10 WHEREAS, given the proximity of that date to the proposed pretrial conference on May  
11 30, 2008, and pursuant to stipulation between the parties, the Court continued the trial date in  
12 this matter to September 26, 2008 by order signed on May 21, 2008 and filed on May 22, 2008;  
13 and

14 WHEREAS, following the furnishing of the independent medical examination report to  
15 the Court, the parties have agreed to pursue further settlement negotiations to determine whether  
16 a resolution can be reached prior to the Court ruling on the cross-motions for summary  
17 judgment; and

18 WHEREAS, the parties seek a short window of time to pursue further settlement  
19 negotiations prior to the Court's ruling on the cross-motions for summary judgment to determine  
20 whether this matter can be resolved between the parties; and

21 WHEREAS, the parties agree to reevaluate prospects for settlement in two weeks at  
22 which time they will be able to represent to the Court whether settlement negotiations are  
23 progressing or at a impasse.

24  
25 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
26 Plaintiff and Defendant, by and through their respective undersigned counsel, and subject to  
27 Court approval, that the Court shall stay its ruling on the cross-motions for summary judgment,

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STIPULATION AND [PROPOSED] ORDER RE STAY ON RULING ON CROSS-MOTIONS FOR SUMMARY  
JUDGMENT

presently under submission, until at least close of business on June 24, 2008, by which time the parties will have jointly represented to the Court either (1) that a settlement has been reached between the parties; (2) that settlement negotiations have progressed and the parties will require additional time to reach a settlement; or (3) that the parties are at an impasse such that further settlement negotiations would be unlikely to resolve the matter at this stage of the litigation.

**IT IS SO STIPULATED:**

Dated: June 11, 2008

RELMAN & DANE, PLLC

//s//

Michael Allen  
Attorney for Plaintiff

Dated: June 11, 2008

LEWIS, BRISBOIS, BISGAARD, & SMITH LLP

//s//

Alex A. Graft  
Attorney for Defendant

**ORDER**

For the reasons set forth above, the Court shall stay its ruling on the cross-motions for summary judgment, presently under submission, until at least close of business on June 24, 2008, by which time the parties will have jointly represented to the Court either (1) that a settlement has been reached between the parties; (2) that settlement negotiations have progressed and the parties will require additional time to reach a settlement; or (3) that the parties are at an impasse

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STIPULATION AND [PROPOSED] ORDER RE STAY ON RULING ON CROSS-MOTIONS FOR SUMMARY  
JUDGMENT

1 such that further settlement negotiations would be unlikely to resolve the matter at this stage of  
2 the litigation.

3  
4 IT IS SO ORDERED.

5 Dated: 7/2/08

6   
7 THE HONORABLE JEREMY FOGEL  
8 United States District Judge  
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STIPULATION AND [PROPOSED] ORDER RE STAY ON RULING ON CROSS-MOTIONS FOR SUMMARY  
JUDGMENT

RE: ***Herriot v. Channing House***  
 VENUE: USDC, Northern District, San Jose Division  
 CASE NO.: C06-06323 JF

### CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On June 11, 2008, I served the following document described as

### STIPULATION AND [PROPOSED] ORDER STAYING THE COURT'S RULING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

#### Attorneys for Plaintiff

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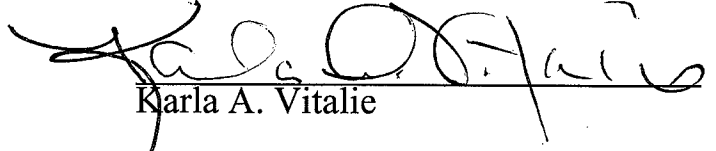
☒ (BY MAIL, 1013a, 2015.5 C.C.P.)

☐ I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

☒ I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 11, 2008, at San Francisco, California.



Karla A. Vitalie

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**mailing list only:**

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